## Case 3:10-cv-04611-RS Document 158 Filed 12/19/12 Page 1 of 3

1	RAMIRO MORALES, Bar # 167947				
2	rmorales@mfrlegal.com				
	DAVID A. ASTENGO, Bar # 196096 dastengo@mfrlegal.com				
3	MORALES, FIERRO & REEVES				
4	2300 Contra Costa Blvd., Suite 310 Pleasant Hill, California 94523				
5	Telephone: (925) 288-1776				
6	Facsimile: (925) 288-1856				
7	Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER SURPLUS LINES INSURANCE COMPANY				
8					
9	UNITED STATES DISTRICT COURT				
10	NORHTERN DISTRICT OF CALIFORNIA				
11	SAN FRANCISCO				
12					
13		) CASE NO.: 3:10-cv-04611-RS			
14	SIERRA BAY CONTRACTORS, INC.,	)			
15	A California Corporation,	STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF			
	Plaintiff,	SCOTTSDALE INSURANCE COMPANY			
16	vs.	, )			
17	WESTCHESTER SURPLUS LINES	)			
18	INSURANCE COMPANY, a Georgia corporation, and DOES 1 through 50,				
19	inclusive,	, )			
20	Defendants.	) ) )			
21	AND RELATED CROSS-ACTIONS				
22	-	_)			
23	Pursuant to F.R.C.P. 41, Defendant and	Third-Party Plaintiff, Westchester Surplus Lines			
24	Insurance Company ("Westchester"), and Third-Party Defendant and Cross-Claimant, Scottsdale				
25	Insurance Company ("Scottsdale"), have agreed and hereby stipulate to the dismissal of Scottsdale				
26	from Westchester's First Amended Third-Party Complaint, with prejudice, subject to said parties'				
	· I				

mutual waiver of costs. Said parties request the Court's approval and execution of the below

proposed order for dismissal.

27

28

## Case 3:10-cv-04611-RS Document 158 Filed 12/19/12 Page 2 of 3

- 1		
1	1 IT IS SO STIPULATED.	
2		
3	3 DATE: December, 2012 SELMAN BREITMAN, LLP	
4	4	
5		
6		
7	Chambant, See I Isb in the Line of the Lin	Cross-
8	8 COMPANY	
9		
10	DATE: December 19, 2012 MORALES, FIERRO & REEVES	
11		
12	By: /s/ David Astengo DAVID A. ASTENGO	-
13	3   Attorneys for Defendant and Third-Party	Plaintiff
14	4 WESTCHESTER SURPLUS LINES INSURANCE COMPANY	
15	5	
16	6 [PROPOSED] ORDER OF PARTIAL DISMISSAL	
17	7 Having reviewed the above stipulation, the Court orders that Defendant and Third-	-Party
18	Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint	
19	9 against Third-Party Defendant and Cross-Claimant, Scottsdale Insurance Company, be dis	smissed,
20	with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First	Amended
21	Third-Party Complaint shall not be changed or impacted by this Order.	
22	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
23	3	
24	Date:	
25		
26	United States District Court Northern District of California	
27	77	
28	8	

## Case 3:10-cv-04611-RS Document 158 Filed 12/19/12 Page 3 of 3

1	IT IS SO STIPULATED.		
2			
3	DATE: December 2012 SELMAN BREITMAN, LLP		
4			
5	Pu Linu Handrin		
6	By: //// / / / / / / / / / / / / / / / /		
7	Claimant, SCOTTSDALE INSURANCE		
8	COMIANI		
9	DATE: December 19, 2012 MORALES, FIERRO & REEVES		
10	MATE. December 17, 2012		
11			
12	By:	-	
13	Attorneys for Defendant and Third-Party Plainti WESTCHESTER SURPLUS LINES	ff	
14	INSURANCE COMPANY		
15			
16	[PROPOSED] ORDER OF PARTIAL DISMISSAL		
17	Having reviewed the above stipulation, the Court orders that Defendant and Third-Party		
18	Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint		
19	against Third-Party Defendant and Cross-Claimant, Scottsdale Insurance Company, be dismissed,		
20	with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amende	ed	
21	Third-Party Complaint shall not be changed or impacted by this Order.		
22	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
23			
24	Date: 12/19/12		
25	HONORABLE RICHARD SEEBORG		
26	United States District Court Northern District of California		
27			
28			
ı			